

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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PETER A. CRAWFORD,

Plaintiff,

v.

Civil Action No.  
05-cv-10078 (DPW)

WOLVERINE, PROCTOR & SCHWARTZ, INC.;  
STEVEN F. CHILINSKI, and  
DEEPAK S. KULKARNI,

Defendants.

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**DEFENDANT STEVEN CHILINSKI'S MOTION TO APPLY THE AUTOMATIC  
STAY TO ALL CLAIMS PENDING AGAINST HIM IN THIS ACTION**

Pursuant to 11 U.S.C. § 362(a) of the Bankruptcy Code, Defendant Steven F. Chilinski ("Chilinski") moves that this Court should enter an order confirming that the automatic stay presently in effect as to the corporate defendant, Wolverine, Proctor & Schwartz, Inc. ("WPS Inc.") also stays to all claims pending against Chilinski in this action. The grounds for this Motion, as detailed in Chilinski's Memorandum of Law and the Affidavit of Steven Chilinski, submitted herewith, are that:

- Chilinski, as the former CEO of WPS Inc., is bound so closely to WPS Inc. through contract of indemnification that any liability against an action against Chilinski is, in essence, an action against WPS Inc.
- WPS Inc. is the real party in interest with respect to Crawford's claim against Chilinski.
- Permitting Crawford to seek a remedy against Chilinski would permit Crawford to do indirectly what he is prohibited from doing directly - circumventing the automatic stay.

For the above reasons, Defendant Chilinski's instant motion should be allowed, and an order staying all claims against him in this action should be entered.

**LOCAL RULE 7.1 CERTIFICATION**

I certify that on May 4, 2006, my colleague, Jeffrey D. Kuhn, discussed by telephone the bases of this motion with the plaintiff *pro se*, Peter A. Crawford, in an effort to narrow or resolve the underlying issue. Mr. Kuhn was not successful in his attempt to narrow or resolve any of the issues addressed in this motion.

**REQUEST FOR ORAL ARGUMENT**

Defendants respectfully request that the Court schedule oral argument on the instant Motion.

Dated: May 5, 2006

Respectfully submitted,

STEVEN F. CHILINSKI,

By his attorneys,

/s/ Mark M. Whitney

Mark M. Whitney (BBO #637054)

Jeffrey D. Kuhn (BBO #662326)

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 5, 2006, I filed the foregoing document with the Clerk of the Court using the ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing to the pro se plaintiff, Peter A. Crawford, 23 Newcastle Drive, #11, Nashua, NH 03060, by U.S. mail, on April 11, 2005; I further certify that I sent a courtesy copy of this filing and its ECF confirmation to plaintiff at his email address [petercra@ix.netcom.com](mailto:petercra@ix.netcom.com) on the same date.

/s/ Mark M. Whitney  
Mark M. Whitney, Esq.